

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**THE RETIREE ASSOCIATION PARTIES' RESPONSE RELATED TO
DISCOVERY AND TRIAL PROCEDURES**

The Retired Detroit Police & Fire Fighters Association (“RDPFFA”), Donald Taylor, individually and as President of the RDPFFA, the Detroit Retired City Employees Association (“DRCEA”), and Shirley V. Lightsey, individually and as President of the DRCEA (collectively “Retiree Association Parties”) hereby submit their response to the Court's May 29, 2014 Minute Entry concerning discovery and trial presentation issues:

1. The Discovery and Trial Efficiency Committee (“DTEC”) filed its position on discovery and trial procedures (including, but not limited to, anticipated time need for trial presentation) (Dkt No. 5246).

2. The DRCEA and the RDPFFA have each agreed to terms with the City, reflected in signed term sheets, which are conditioned upon: (a) certain outside funding commitments being made by June 20, 2014 and (b) retirees in Classes 10 and 11 voting to approve the Plan. As this Court is aware, the confirmation posture of the Retiree Association Parties depends on the satisfaction of the outside funding commitments and acceptance of the Plan by Classes 10 and 11.

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3. Therefore, the Retiree Association Parties are in a difficult position and have to prepare on parallel tracks because their confirmation position is currently unknown and will likely remain unknown until the voting results are known.

The Retiree Association Parties and the May 9, 2014 Order and Stipulation

4. Because the confirmation position of the Retiree Association Parties is uncertain, their discovery needs are also in flux.

5. The Retiree Association Parties' uncertain confirmation position is noted in the Court's Order approving the May 9, 2014 Stipulation.

6. The filings of the City and DTEC should not impact or otherwise impair those rights because the Retiree Association Parties' discovery procedures and rights are governed by the Stipulation.

7. Footnote 1 of DTEC's proposed protocol recognizes the rights of the Retiree Committee and Detroit Retirement Systems, but does not include or reference the Retiree Association Parties. It should have, however, because their discovery and deposition rights are governed by the Stipulation, and should not be impacted or amended by the proposed DTEC procedures. (Dkt. No. 5246). The footnote provides that nothing in the protocol shall be construed to restrict, limit or otherwise affect the rights of the named stipulating parties (which should have included the Retiree Association Parties) to conduct or participate in any depositions, as set forth in the May 9, 2014 Stipulation. *Id.*

8. Therefore, the Retiree Association Parties request the Court to include in any ordered protocol similar language which protects their rights to participate in the depositions as set forth in the May 9, 2014 Order and Stipulation.

The Retiree Association Parties' Requested Allotment of Trial Time

9. The Retiree Association Parties, despite their uncertain position and in the hopes of efficiency, request 2-3 hours of trial time. The estimate provided is to present retiree specific issues, but as in the eligibility trial, the Retiree Associations are willing to work collaboratively with other retiree representatives to **not** duplicate argument or evidence.

No Change Should be Made to Retiree Voting Deadlines

10. The Retiree Association Parties request that the voting deadlines for Classes 10 and 11 ordered by this Court remain unchanged. Changing the voting deadline would add additional confusion and distrust to the process and could potentially alter the vote.

Dated: June 6, 2014

Respectfully submitted,

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